CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JANUARY 18, 2005

INVOCATION:
Pastor Steve Dastic of Vineyard Christian Fellowship gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT:
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Director of Public Works Karp, Police Chief Macagni, Planning Division Manager Bierdzinski, Fire Chief Ortiz, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Director of Utilities Chisam, City Librarian Pinneli, Senior Deputy City Attorney Stockton, and Chief Deputy City Clerk Perez.

PROCLAMATION – FRIENDS OF THE LIBRARY
Mayor Lavagnino read a proclamation declaring the month of February 2005 as "Show You Are a Friend of the Santa Maria Public Library Month," recognizing the Friends of the Library on their 25th anniversary, and urging everyone to visit their library, thank a librarian for making this unique and wonderful institution possible, and become a member of the Friends of the Library.

The proclamation was presented to Susan Markscheffel.

PROCLAMATION – RESPECT FOR LIFE WEEK
Councilmember Patino read a proclamation declaring the week of January 16 – 22, 2005, as "Respect for Life Week" in the City of Santa Maria.

The proclamation was presented to Jan Rush.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Zachary E. Wolinsky, the Recreation and Parks Department Volunteer of the Month for January for his exemplary leadership, commitment, and donation of time and effort in setting up a college resource library for students at the Abel Maldonado Community Youth Center as his Eagle Scout project.

PUBLIC COMMENT
Ernest Armenta spoke regarding the sale of surplus water revenue being used for a revolving loan fund for business attraction and retention instead of reducing water bills for residents and items on the Consent Agenda being approved without benefit of public input. He also spoke regarding the alley behind Safe Lock and Key needing repairs.

Bob Zeiner spoke regarding the Michael Jackson trial beginning the end of this month and urged residents to take the initiative and be true hosts to the world.

Joan Walker spoke regarding the City Docent Tours and a recent tour she had conducted for a group of 26 high school students from Japan.

CONSENT CALENDAR
Councilmember Patino commented on Item 3l, authorizing the City Librarian to accept state grant funds in the amount of $16,000. She indicated that a $6,000 Global Languages Materials Grant would be used to purchase adult and children's Spanish

language books and audio-visual collections. The other grant was a "Services for Small Businesses" for $10,000 which would be used to purchase business resources that help meet the information needs of small businesses in the community.

Consent Calendar Items A through J were accepted and approved with the indicated action on motion by Councilmember Patino, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of January 4, 2005, were approved as submitted.

C. COUNTY HOUSING ADVISORY COMMITTEE
Councilmember Mariscal was appointed as the City's representative to the Santa Barbara County Housing Advisory Committee, and Councilmember Trujillo was appointed as the alternate.

D. WARRANTS
Warrant Nos. 117519 to 117778 in the amount of $1,312,295.57 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant No. 116360 was cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

F. ABC LICENSE
A notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing restaurant for J. D. Scrambles (formerly Rancho Viejo Steak House) located at 305 E. Betteravia Road was noted and filed.

G. ABC LICENSE
A notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing restaurant for La Hacienda located at 321 W. Main Street was noted and filed.

H. ABC LICENSES
Notices from the California Department of Alcoholic Beverage Control of applications for Alcoholic Beverage Licenses were held in abeyance pending issuance of Conditional Use Permits for Cool Hand Lukes, located at 1321 S. Nicholson Avenue; Taco Ranchero, located at 108 E. Jones Street; and Las Brasas Mexican Food, located at 315 W. Main Street.

I. STATE LIBRARY GRANT FUNDS
Resolution No. 2005-11 was adopted authorizing the City Librarian to accept state library grant funds and expend those funds for library materials.

Resolution No. 2005-11 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE CITY LIBRARIAN TO ACCEPT STATE FUNDS FOR LIBRARY MATERIALS.

J. BRIAN COURT, TRACT 5839
Resolution No. 2005-12 was adopted approving the Subdivision Map and Agreement for Brian Court, Tract 5839, generally located east of Highway 101, north of East Main Street, and west of Suey Road.

Resolution No. 2005-12 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR BRIAN COURT, TRACT 5839.

Mayor Lavagnino moved Item 5, Humane Society Relocation, forward to accommodate the people in the audience interested in this item.

HUMANE SOCIETY RELOCATION AND POLICE IMPOUND YARD.
Director of Utilities Chisam gave the staff report. The City Council will consider a conceptual plan for the relocation of the Humane Society from its current Black Road location to the new City property located along West Stowell Road, the establishment of an impound yard for the Santa Maria Police Department at the same location, and an appropriation of $200,000 to facilitate the project. On April 20, 2004, the City Council authorized the purchase of approximately 240 acres of land adjacent to the Wastewater Treatment Plant to facilitate the construction of additional wastewater percolation ponds. Staff negotiated the immediate possession of 40 acres of land for various public uses including the proposed relocation of the Humane Society facilities and the proposed impound yard. The Humane Society is a non-profit organization dedicated to the compassionate treatment of animals from the Santa Maria Valley. Their current facility is small and future expansion options are limited. The Board of Directors has expressed an interest in constructing a new, larger and more modern facility on a portion of the newly purchased City property. On March 9, 2004, the City Council approved a proposal by the Police Department to establish an enterprise program through a City-operated vehicle impound facility. The facility is to be located on five acres of newly acquired land along Stowell Road. The City would also like to reserve a building site for a possible animal control facility should that be necessary in the future.

Councilmember Patino asked what the City was paying for animal control services.

City Manager Ness explained that the City was currently paying about $460,000 to $480,000 for services including field and sheltering of animals.

Councilmember Mariscal stated the impound yard was a very good concept. The City would not operate the tow trucks or infringe on private enterprise while providing better service and security.

George Cudd, Humane Society Board, thanked the City Council for providing this opportunity for expansion and Director Chisam and his staff for their recommendations. He introduced the Board of Directors and staff that were present.

Ernest Armenta stated the Humane Society was a wonderful organization. He requested that the City do a Request for Proposals to see who would give the City the best price on towing services.

City Manager Ness explained that the City had no plans to change the way it provided towing services. Currently the City uses a list of tow companies and rotates the calls to the next company in line. This item is proposing an impound yard to store the towed vehicles. Should the City decide to contract out the operation of the impound yard, it would do a Request for Proposals to find a qualified operator.

Ron Hubble, R & G Towing, gave an overview of the number of vehicles his company had towed for the City since June of 2004, how many of those vehicles were picked up by the owners, how many were sold, and how many were sent to the junk yard. He expressed concern about the City taking away their "gravy" if the City stopped using their impound yards.

Police Chief Macagni stated he understood Mr. Hubble's concerns and would work with the towing companies.

Councilmember Mariscal stated that Mr. Hubble had made some very good points. He encouraged the tow companies to talk to Chief Macagni and his staff. He said he hoped that if the City found that it was not feasible to move forward with the impound yard, staff would recognize that and abandon the project.

Resolution No. 2005-13 was adopted approving a conceptual plan for the relocation of the Humane Society to City property and the establishment of a Police Department impound yard on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2005-13 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONCEPTUAL PLAN FOR THE RELOCATION OF THE HUMANE SOCIETY TO CITY PROPERTY AT WEST STOWELL ROAD AND ESTABLISHMENT OF A POLICE DEPARTMENT IMPOUND YARD ON THE SAME PROPERTY.

ANNUAL TECHNICAL AMENDMENTS TO THE SANTA MARIA MUNICIPAL CODE. Senior Deputy City Attorney Stockton gave the staff report. The City Council will consider a proposed ordinance making various technical amendments to the Santa Maria Municipal Code that result from provisions that work ineffectively for technical reasons and includes laws that need to be updated, modified or deleted because of changes in State law or in City operations. She briefly highlighted the changes that would be made. She displayed a list of corrections to the ordinance that were found following printing of the ordinance.

Councilmember Patino asked about Section 10 of the Ordinance amending Section 2-20.19(a) of the Municipal Code. She read the section and suggested the words "resignation, retirement or layoff" be deleted as it didn't make sense.

Senior Deputy City Attorney Stockton suggested those words be replaced with the word "separation."

Councilmember Patino asked what the term "feed garbage" in Section 8-11.19 meant.

Utilities Director Chisam explained that he thought it would be the garbage you would use to feed animals.

Ernest Armenta referenced Section 36 of the Ordinance amending Section 8-10.21 of the Municipal Code and asked why the City charged to test a water meter if a person's water bill was really high.

Director Chisam explained that particular section was not being changed and had been in the Municipal Code for a long time. He said it gave the Utilities Department the ability to charge for a meter test. It was usually for large commercial meters that were sent to an outside company for testing and could cost several hundreds of dollars.

Councilmember Patino asked if Section 8-11.21 on burning included barbecue pits.

Director Chisam replied that it did not.

Ordinance No. 2005-01 was introduced with the recommended changes by title only for first reading and continued to the regular meeting of February 1, 2005, for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2005-01 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE RELATING TO CITATION FOR VIOLATION, ADMINISTRATIVE PENALTIES, PERSONNEL, BUSINESS LICENSES, INOPERATIVE VEHICLES, TRAFFIC WEIGHT LIMITS, UTILITIES AND PARK RANGERS.

REPORT BY CITY MANAGER

City Manager Ness reported on items for the February 1, 2005, City Council meeting including a public hearing to consider the establishment of a municipal electric utility and the second quarter financial report.

ORAL REPORTS OF COUNCILMEMBERS

Councilmember Trujillo stated the people of the City elected the Council to make decisions, and he thought the relocation of the Humane Society was a very good decision.

Councilmember Orach announced an upcoming community forum next Monday at the Town Center Mall Community Room entitled "Building Wealth" which would look at ways to increase wealth for the people of the community. It is being spear-headed by the All-America City Committee.

Councilmember Orach reported on his attendance at the BRAG (Blacks Recognizing A Goal) event held to recognize Martin Luther King.

Councilmember Orach read excerpts from an article by the City Manager in the City Employee Newsletter, *The Pathfinder*, which encouraged employees to be the best they could be. He said he thought the citizens of Santa Maria were very well served by a team of employees who do their very best every day.

Mayor Lavagnino announced that the Community Development Department had generated a list of names of servicemen and women killed in battle in the various wars that would be given to developers for street names. He referenced an article in the newspaper regarding why Corporal Joseph Heredia had a street named after him; but Joseph Menusa, who was also killed in Iraq, had not. He announced that Mr. Menusa's name was on the list for future street names.

Councilmember Patino reported on an Eagle Scout Honor Board event she had attended last Saturday for Bradley Jarvis whose project was at the Santa Maria Cemetery. She also commended Zachary Wolinsky for his Eagle Scout project which provided a valuable resource for teens at the Abel Maldonado Youth Center.

Councilmember Patino also reported on the retirement dinner for Judge Barbara Beck.

Councilmembers Orach and Trujillo also reported they had attended Judge Beck's retirement dinner.

Councilmember Mariscal commented that he was not able to attend Judge Beck's retirement dinner because he was celebrating the life of his only uncle who passed away. He said his uncle was the type of person everyone liked and he was very impressed by the number of people who attended.

Councilmember Mariscal reported on the County Housing Advisory Committee meeting he had attended. The City of Santa Maria is already doing what this task force is trying to do.

Councilmember Mariscal announced that the Humane Society would be holding a fund raising event next Saturday at Casa de Lopez to help raise money for their new facility.

At the request of Councilmember Mariscal, Councilmember Orach announced the upcoming Centennial Celebration Multi-Cultural Faire to be held at the Town Center Mall

on January 30th from 1:00 p.m. to 4:00 p.m. It would be an event with entertainment, food and art from all the ethnic groups in the City.

Mayor Lavagnino reported that Chamber of Commerce Executive Director Bob Hatch had been hosting three gentlemen from Sweden this week who represented a large software company in Europe. He said the gentlemen seemed to be very impressed with the City and the school system.

Councilmember Patino announced that the Centennial geraniums would be for sale at the Farmer's Market on Wednesday, January 19th.

Councilmember Trujillo announced that he and Mayor Lavagnino had attended a ribbon cutting ceremony at Bronco Communications. Bronco Communications is run by his nephew, and the company is expanding.

CLOSED SESSION

The City Council adjourned to Closed Session at 7:51 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria and Knight v. Greyhound; Conference with Legal Counsel regarding initiation of litigation pursuant to Subsection (c) of Government Code Section 54956.9 (1 matter); and Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Agency representative: Assistant City Manager, Employee organization: Santa Maria Firefighters Union, Local 2020.

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

Knight v. Greyhound – No report. Held over to the next meeting.

Initiation of Litigation (1 matter) – No report. Held over to the next meeting.

Conference with Labor Negotiator re: Santa Maria Firefighters Union, Local 2020 – Status report. Direction to staff and negotiator.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 9:13 p.m. by order of Mayor Lavagnino.

APPROVED February 1, 2005
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST:
Chief Deputy City Clerk

Mayor of the City of Santa Maria